

## REMARKS

Presently, claims 1-7, 9-14, and 16-19 stand rejected. Claims 8, 15 and 20 are objected to. Claims 1, 11 and 16 have been amended. Claims 8, 15 and 20 have been canceled. Claims 1-7, 9-14, and 16-19 are pending in the application. The amendment to claims 1, 11 and 16 merely represent claims 8, 15 and 20 respectively rewritten in independent form including all of the limitations of the base claim. The amendment does not raise any new matter or new issues. Favorable consideration in view of the following remarks is earnestly solicited.

### **Rejection Under 35 U.S.C. § 103(a) over De Bruiju et al. in view of Schwab et al.:**

In section 1 of the Office Action dated October 27, 2010, the Examiner has rejected claims 1-7, 9-14 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over De Bruiju et al. (WO0007634) in view of Schwab et al. (Animicrob. Agents Chemother). As the independent claims have been amended to recite the limitations of the non-rejected, objected to claims, this rejection is now moot.

### **Rejection Under 35 U.S.C. § 103(a) over Sousa et al. in view of Schwab et al.:**

In section 2 of the Office Action dated October 27, 2010, the Examiner has rejected claims 1-3, 6, 9-14 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Sousa et al. in view of Schwab et al. (Animicrob. Agents Chemother). As the independent claims have been amended to recite the limitations of the non-rejected, objected to claims, this rejection is now moot.

### **Rejection Under 35 U.S.C. § 103(a) over Sousa et al. in view of Schwab et al. in further view of De Bruiju et al.:**

In section 3 of the Office Action dated October 27, 2010, the Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Sousa et al. in view of Schwab et al. (Animicrob. Agents Chemother) in further view of De Bruiju et al. (WO0007634). As the independent claims have been amended to recite the limitations of the non-rejected, objected to claims, this rejection is now moot.

**Claim Objections**

In section 4 of the Office Action dated October 27, 2010, the Examiner has objected to claims 8, 15 and 20 as being dependent upon a rejected base claim, but has indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1, 11 and 16 to now represent claims 8, 15 and 20 respectively written in independent form. Therefore, it is believed that the claims are in condition for allowance.


**Conclusion:**

It is believed that the foregoing is a complete response and that the claims are in condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case.

Applicant appreciates the opportunity to call the Examiner but believes that this amendment to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,  
HISCOCK & BARCLAY, LLP

By:   
Jason R. Womer  
Reg. No. 60,149  
2000 HSBC Plaza  
100 Chestnut Street  
Rochester, NY 14604  
Tel: (585) 295-4400 x 4306  
Fax: (585) 295-8431